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REMARKS

The Examiner's rejection of claims 3 and 5 under 35 U.S.C. 102(b) as being anticipated by Raudman, Jr. (U.S. 3,757,892) is respectfully traversed. For anticipation under 35 U.S.C. 102, the reference must teach each and every element of the claimed invention arranged as in the claim Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 U.S.P.Q. 481 (Fed. Cir. 1984). Applicant has cancelled claims 3 and 5 and, essentially, rewritten the subject matter of claims 3 and 5 into new claim 8. The Raudman patent discloses an exhaust unit for a combustion engine that removes sparks from the exhaust air to prevent fires. The structure of the device shown in Raudman is quite different than applicant's specifically claimed invention in new claim 8. In applicant's invention, there is an exhaust air barrier lodged centrally between the first baffle and the second baffle, all of which is coaxially mounted in a cylindrical housing that is lined with a solid composite noise reduction foam. The Raudman device shows a different baffle structure that includes a small partial obstruction disk 65 (shown in Figure 2 of Raudman) that partially covers part of the baffle. Just about every element in Raudman is different than the elements in applicant's claimed invention including the first and second baffle sections, the air exhaust barrier, the foam liner and the second cylindrical housing used in applicant's claimed invention. In summary, new claim 8 is believed to be on its face allowable over the Raudman reference.

The Examiner's rejection of claims 1, 6 and 7 under 35 U.S.C. 103(a) as being unpatentable over McLeod (U.S. 2,675,088) in view of Inoue, et al. (U.S. 4,880,078) is respectfully traversed. Claims 1, 6 and 7 have been cancelled and the claim limitations have been included in new claim 8. Applicant believes that the Examiner has failed to establish a prima facie determination of obviousness under 35 U.S.C. 103. The Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Oetiker, 24 U.S.P.Q.2d 1443, 1444

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(Fed. Cir. 1992). A prima facie case of obviousness is established when the teachings of the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. In re Bell, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993) (quoting In re Rinchart, 189 U.S.P.Q. 143, 147 (C.C.P.A. 1976). In re Rijckaert, 28 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992). It is applicant's position that even if combined, McLeod and Inoue, et al. together would not produce applicant's specifically claimed invention. Also, there is no teaching in either reference to arrive at applicant's claimed invention. The muffler shown in Figure 1 of McLeod is different than applicant's claimed noise reduction system in new claim 8. New claim 8 requires an air barrier specifically mounted between first and second portions of the baffle that contain a plurality of apertures. In McLeod, the barrier is in a separate housing that also has air passages 20 that allow the air in the first baffle portion to be admitted into the main housing. McLeod does not have any composite noise reduction material lining the inside surface as clearly required by applicant's noise reduction system in claim 8. The Inoue, et al. reference does not teach a second main cylindrical housing that encompasses the exhaust of the first main housing and the exhaust conduit that reverses the direction of the exhaust air while the exhaust air strikes a second chamber with noise reduction foam surrounding it. Thus, it is applicant's position that even if one did combine McLeod with Inoue, et al., applicant's specifically claimed invention in claim 8 would not result. The rejection should be withdrawn.

The Examiner's rejection of claim 2 under 35 U.S.C. 103(a) as being unpatentable over Flugger (U.S. 4,550,799) in view of Inoue, et al. (U.S. 4,880,780) and further in view of Steger, et al. (U.S. 5,765,257) is respectfully traversed. Applicant reiterates applicant's comments above regarding the Inoue, et al. reference and the failure to establish a prima facie case of obviousness. The Examiner cites Inoue, et al. as a teaching that one can utilize a compound muffler system by adding sections together. Inoue, et al. shows a group of noise reduction

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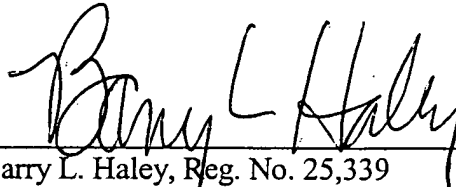
systems that are very similar to each other in series. There is no teaching in Inoue, et al. to provide the combination of specific elements provided in applicant's new claim 8 that include a main cylindrical housing and a second cylindrical housing specifically mounted relative to each other and working in combination. The Flugger reference shows a combustion engine muffler having two inside baffles coaxially and then a main housing that has fiberglass for noise reduction. Applicant's claim 8 recites a structure that has a single main housing, a solid composite noise reduction material lining the inside, and a single baffle. The gases flow between a retainer member 26 that includes additional apertures and tubular member 28. Steger, et al. shows a muffler for vacuum cleaners that has an inlet conduit and a larger cylindrical housing with an outlet that reverses the flow of the air 180 degrees. The inlet conduit 23 inner opening does not have any apertures that is required in applicant's invention in claim 8 which are located in the second portion body of the inner baffle in applicant's claimed invention. When considering the references together, there is no suggestion of applicant's claimed invention which is a very compact noise reduction system for use with a air turbine in an automatic cutting table that takes up very little space. It is applicant's position that the Inoue, et al. reference would not suggest nor does it teach combining Steger, et al. with Flugger. However, even if those two references were joined together, applicant's specifically claimed invention in claim 8 would not result.

In summary, it is applicant's position that new claim 8 is allowable over the references of record on its face.

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Respectfully submitted,

A handwritten signature in cursive script, reading "Barry L. Haley", written over a horizontal line.

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